

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DENNIS RAY RIGSBY, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-21-835-R
)	
SHELLIE SIMMIONS, et al.)	
)	
Defendant.)	

ORDER

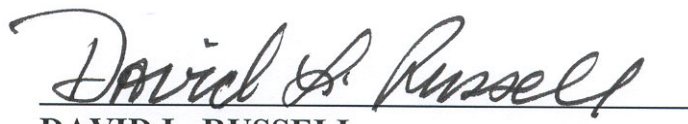
Plaintiff filed this action asserting violation of his constitutional rights with regard to his confinement in the Custer County Jail. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) the matter was referred to United States Magistrate Judge Amanda Maxfield Green for preliminary proceedings. On May 2, 2022, Judge Green issued a Report and Recommendation wherein she recommended that the Court dismiss Plaintiff's claims against the Custer County Sheriff's Office and Defendant Turn Key Health, as well as the official capacity claim against Defendant Shellie Simmions. She further recommended that Plaintiff's motion for preliminary injunctive relief be denied. On May 13, 2022, Plaintiff filed a timely objection to the Report and Recommendation, which gives rise to the Court's obligation to undertake a *de novo* review of those portions of the Report and Recommendation to which Plaintiff makes specific objection. (Doc. No. 15). Having conducted this review, the Court hereby adopts the Report and Recommendation.

Plaintiff's objection states little more than he has a right to medical treatment in custody. Judge Green's Report and Recommendation does not conclude that Plaintiff was

not entitled to medical care while in the custody of Custer County. Rather, she concludes that he sued an entity that is not subject to suit under 42 U.S.C. § 1983 (Custer County Sheriff's Office) and that Plaintiff failed to allege facts to support a claim for municipal liability against Turn Key Health or Ms. Simmions in her official capacity, which is the same as suing Turn Key directly. The Report and Recommendation does not address Plaintiff's claims against Ms. Simmions in her individual capacity. She additionally concluded that his request for injunctive relief was moot because Plaintiff has now been convicted and is serving his sentence at Davis Correctional Facility and is no longer at the Custer County Jail. Plaintiff's limited objection does not address any of the substantive findings of the Report and Recommendation and accordingly provides no basis for rejection or modification thereof.

For the reasons set forth herein, the Report and Recommendation is ADOPTED and the claims against Custer County Sheriff's Office, Turn Key Health, and Shellie Simmions, in her official capacity, are hereby DISMISSED. Plaintiff's Motion for Injunctive Relief (Doc. No. 11) is DENIED AS MOOT.

IT IS SO ORDERED this 3rd day of June 2022.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE